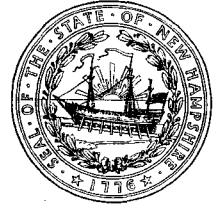




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 9, 2005

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 05-022

New Hampshire International Speedway
P.O. Box 7888
Loudon, NH 03307

Attn: Ken Hoyt, Hazardous Waste Coordinator

Re: New Hampshire International Speedway
1122 Route 106 West
Loudon, New Hampshire
EPA ID # NHD986473320

Dear Mr. Hoyt:

On July 28, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of New Hampshire International Speedway ("NHIS") in Loudon, NH. The purpose of the inspection was to determine the NHIS's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 -- Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on one (1) 55-gallon container of an unknown liquid, stored in a broken containment unit behind the maintenance building and on numerous propane cylinders also stored behind the maintenance building.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that NHIS perform adequate hazardous waste determinations for the one (1) 55-gallon container and the propane cylinders.

2. Env-Wm 507.03(a)(1)a.- Beginning Accumulation Date

At the time of the inspection, DES personnel observed one (1) 55-gallon container of hazardous waste gasoline, stored in the Safety Kleen Building-North that was not marked with the beginning accumulation date. See the attached Container Inventory ("Inventory").

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste to be marked with the beginning accumulation date at the time they are first used to store hazardous wastes.

DES requested that NHIS properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store hazardous waste.

In an August 3, 2005 email, Wanda Dumas, Assistant Operations Manager, stated that the container has been appropriately labeled. No further action is required.

3. Env-Wm 507.03(a)(1)d.- Labeling Requirements

At the time of the inspection, the one (1) 55-gallon container of hazardous waste gasoline, stored in the Safety Kleen Building-North was not marked with the EPA or state waste number (see the attached Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the words "hazardous waste," words that identify the contents, and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requested that NHIS properly mark all containers of hazardous waste with the words "hazardous waste," words that identify the contents, and the EPA or state waste number at the time they are first used to store waste.

In the August 3, 2005 email, Wanda Dumas stated that the container has been appropriately labeled. No further action is required.

4. Env-Wm 509.02(a)(1) – Inspection Requirements

At the time of the inspection, NHIS failed to document inspections of the facility's hazardous waste storage area (Safety Kleen Building-North) during 15 of the 26 weeks immediately prior to the inspection.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the

inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken. 40 CFR Subpart I, Use and Management of Containers, further stipulates that containers must be inspected at least weekly; and 40 CFR Subpart J, Tanks, requires tanks to be inspected at least once each operating day.

DES requested that NHIS ensure that weekly inspections of its hazardous waste storage area are recorded in an inspection log.

In a fax received by DES on August 30, 2005, Wanda Dumas provided documentation verifying that weekly inspections of the hazardous waste storage area are documented in an inspection log. No further action is required.

5. Env-Wm 509.02(a)(2) – Personnel Training

A review of NHIS's personnel training records revealed that the primary emergency coordinator, Bette French, had not received hazardous waste training during 3 of the last 4 years; and the secondary emergency coordinator, Richard Lefebvre, had not received hazardous waste training during 2 of the last 4 years. However, both employees received training in 2005 and are current with the annual training requirements.

Additionally, the training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requests that NHIS ensure all employees who have hazardous waste responsibilities receive annual reviews. DES also requests that NHIS develop and submit to DES a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position.

6. Env-Wm 509.02(a)(5) – Contingency Plan

A review of NHIS's contingency plan revealed deficiencies regarding the following:

- (a) The home addresses of the emergency coordinators;
- (b) The location of emergency equipment, physical description of each item, and a

- brief outline of equipment capability;
- (c) A description of the signal(s) used to begin an evacuation and evacuation routes;
- (d) Submission of the plan to local authorities;
- (e) Instructions for the emergency coordinator to activate internal facility alarms;
- (f) Instructions to notify local authorities if an evacuation is needed;
- (g) Instructions to notify either the local fire chief or the National Response Center at (800)424-8802;
- (h) Instructions to take all reasonable measures to ensure that fires or releases of hazardous wastes will not spread;
- (i) The methods for monitoring facility equipment if there is a work stoppage;
- (j) Procedures for providing treatment, storage or disposal of hazardous waste resulting from an emergency;
- (k) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored or disposed of until cleanup procedures are completed;
- (l) Provisions to ensure that all emergency equipment has been cleaned and is fit for use before the resumption of activities; and
- (m) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that NHIS revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

7. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting was not located at the nearest telephone to the Safety Kleen Building-North hazardous waste storage area. Additionally, the emergency posting failed to document the location of fire extinguishers, spill control material, and alarms.

Env-Wm 509.02(b) requires that full quantity generators post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that NHIS post the required information at the nearest telephone to the hazardous waste storage areas.

In the August 3, 2005 email, Wanda Dumas stated that the required information had been added to the emergency posting and placed next to the nearest telephone. No further action is required.

8. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, NHIS was storing one (1) 55-gallon container of used oil destined for recycling, in front of the maintenance building which was not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that NHIS label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

9. Env-Wm 809.02 - Standards for Spent Lead-Acid Batteries Being Reclaimed

At the time of the inspection, NHIS was storing automotive lead-acid batteries behind the maintenance building in a manner that subjected them to potential damage and/or breakage.

Env-Wm 809.02 requires that generators and collectors of spent lead-acid batteries, destined for reclamation, store the batteries in a manner designed to ensure that battery housings do not break or leak acid onto the soil or into any ground waters or surface waters.

DES requests that NHIS store waste automotive batteries in a safe manner during storage and accumulation. This includes, but is not limited to, storing the batteries in a manner to prevent from breaking or leaking their contents onto the soil.

Alternatively, NHIS may elect to manage the waste batteries as a universal waste in accordance with Env-Wm 1109- Universal Waste Batteries. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries- Requirements for Handlers and Transporters," and DES Environmental Fact Sheet #WMD-SW-4 "Management of Used Motor Vehicle Batteries" to aid you in evaluating your possible options.

In the August 3, 2005 email, Wanda Dumas stated that the waste automotive batteries had been disposed of and that a battery management plan had been developed. No further action is required.

10. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) – Universal Waste Lamp Management

At the time of the inspection, twelve (12) universal waste lamps were not stored in containers and one (1) container of universal waste lamps was not closed (see the attached Inventory).

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) requires that containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requests that NHIS ensure that all universal waste lamps are stored in containers that are closed, compatible with the universal waste and its contents, and free of defects, design characteristics, or damage.

11. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, the twelve (12) universal waste lamps and the one (1) container of universal waste lamps were not marked with the words "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)" (see the attached Inventory).

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requests that NHIS clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES believes the remaining portion of the cited deficiencies can be corrected and a report describing the corrective measures taken by the NHIS can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against the NHIS including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks

with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your continued cooperation.

Sincerely,



John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Wanda Dumas, Assistant Operations Manager, NHIS, P.O. Box 7888, Loudon, NH 03307

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report
DES Fact Sheet #WMD-HW-18 "Universal Waste Batteries"
DES Environmental Fact Sheet #WMD-SW-4 "Management of Used Motor Vehicle Batteries"